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No. 502

In the Supreme Court of the United States

OCTOBER TERM, 1957

AMERICAN AND EUROPEAN AGENCIES, INC., PETITIONER

v.

WHITNEY GILLILLAND, PEARL CARTER PACE AND HENRY J. CLAY, CONSTITUTING THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES, AND GEORGE M. HUMPHREY, AS THE SECRETARY OF THE TREASURY

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR THE RESPONDENTS IN OPPOSITION

J. LEE RANKIN,
Solicitor General.
GEORGE COCHRAN DOUB,
Assistant Attorney General,
SAMUEL D. SLADE,
B. JENKINS MIDDLETON,
Attorneys,
Department of Justice, Washington 25, D. C.

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OPINIONS BELOW

No opinion was filed by the District Court. The opinions of the Court of Appeals (R. 107–117) are not yet reported but are set forth as the Appendix to the petition (Pet. 1a–11a).

JURISDICTION

The judgment of the Court of Appeals was entered on June 27, 1957 (R. 118). The petition for a writ of certiorari was filed on September 24, 1957. The

jurisdiction of this Court is invoked under 28 U. S. C. 1254 (1).

QUESTION PRESENTED

Whether, under the International Claims Settlement Act of 1949, the Foreign Claims Settlement Commission was finally to determine, without court review, claims to share in a fund posted by Yugoslavia pursuant to international agreement.

STATUTE AND EXECUTIVE AGREEMENT INVOLVED

The provisions of the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949 are printed in Appendices A and B, *infra*, pp. 21–42.

STATEMENT

This is the fourth and last of a series of petitions filed in this Court seeking review of decisions by the courts below holding that they have no jurisdiction over the subject matter of claims against the Yugoslav Claims Fund determined by the Foreign Claims Settlement Commission. This Court has already denied the petitions in *deVegvar* v. *Gillilland*, No. 654, October Term, 1955, 350 U. S. 994, *Dayton* v. *Gillilland*, No. 129, this Term, certiorari denied, October [illegible] 1957, and *Haas* v. *Anderson*, No. 352, this Term, certiorari denied, October 21, 1957.

1. *The Agreement and the Act.* Since the Statements in the Briefs for the Respondents in Opposition in the three cases mentioned above set forth detailed summaries of the pertinent provisions of the Yugoslav Claims Agreement and the International Claims

Settlement Act of 1949, we shall not repeat this material but instead respectfully refer the Court to those briefs.

For present purposes, it is sufficient to note that the Agreement provided for the payment by Yugoslavia to the United States Government of $17,000,000 in settlement of all claims of nationals of the United States against the Yugoslav Government on account of the nationalization or other taking of property by Yugoslavia between September 1, 1939, and the date of the Agreement (Art. 1 (a) and (b); App. A, *infra*, pp. 21–22), and that Article 8 provided that determinations respecting "the validity or amounts of individual claims which may be made by the agency established or otherwise designated by the Government of the United States to adjudicate such claims shall be final and binding" (App. A, *infra*, p. 26). The International Claims Settlement Act established what is now the Foreign Claims Settlement Commission and gave it jurisdiction to adjudicate and render final decisions respecting claims under the Yugoslav Claims Agreement or other similar future agreements (Sec. 4 (a), 22 U. S. C. 1623 (a), App. B, *infra*, pp. 32–33). Section 4 (h) (22 U. S. C. 1623 (h), App. B, *infra*, pp. 36–37) provided that "any claimant whose claim is denied, or is approved for less than the full amount of such claim, shall be entitled, under such regulations as the Commission shall prescribe, to a hearing before the Commission, or its duly authorized representatives, with respect to such claim", and authorized the Commission after such hearing to "affirm, modify,

or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim". The same section further provided that the "action of the Commission in allowing or denying any claim under this Act shall be final and conclusive on all questions of law and fact and not subject to review by the Secretary of State or any other official, department, agency, or establishment of the United States or by any court by mandamus or otherwise". This section gave added emphasis to the previous provision (Sec. 4 (b), 22 U. S. C. 1623 (b), App. B, *infra*, p. 33) that the decisions of the Commission were to "constitute a full and final disposition of the case in which the decision is rendered".

2. *Petitioner's claim.* Petitioner seeks review of the action of the Commission in granting it an award in the amount of $12,320 upon its claim. The facts are as follows:

Petitioner, American & European Agencies, Inc., a New York corporation, filed its claim with the Commission on May 31, 1951 (R. 2, 3, 13). The claim, as amended, requested compensation in the amount of $1,538,753.52 for the taking by the Government of Yugoslavia of a plant for the manufacture of plastic wood slabs located in Yugoslavia and owned by Fallersa, S. A., an Italian corporation (*ibid.*). Petitioner alleged ownership of 12,320 shares or 61.6% of the 20,000 shares issued and outstanding of Fallersa stock (R. 3, 13). Petitioner's claim was accompanied by numerous documents, declarations,

sworn statements and other evidence, and written legal contentions in support of the claim (R. 3).[1]

On November 26, 1954, the Commission issued its Proposed Decision denying petitioner's claim on the merits (R. 13–30).[2] Petitioner filed objections and assignments of error to the Proposed Decision on December 14, 1954, requesting a hearing "for the taking of evidence and the hearing of oral argument" (R. 31–32). On the same date, the Commission notified counsel for petitioner that the requested hearing had been scheduled for December 22, 1954.

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[1] These documents revealed that petitioner, through its president, had agreed to pay $300,000 for the 12,320 shares of Fallersa stock and $650,000 for the purchase of a 13,012,000 lire credit owing from Fallersa to the selling shareholders, all members of the Central European nobility (R. 15–16, 19). In 1945, petitioner made an initial payment of $20,000 against the total agreed purchase price of $950,600 (R. 15–16). The balance, $930,600, was to be payable within six months after petitioner took possession of the factory (R. 16).

[2] The Decision noted that "only $20,000 out of a total purchase price of $950,600 was paid by claimant" and that the event on which the payment of the balance of the purchase price was conditioned—petitioner's possession of the plant—had never occurred (R. 25). While stating that the claim had no equitable standing, the Commission based its denial upon findings that the transaction on which the claim was grounded "was motivated by a desire to put the property under American protection in the face of its imminent seizure by the Government of Yugoslavia"; that the transaction was speculative and involved an illegal payment; that unless an award on the claim exceeded $950,600, the entire proceeds except for $20,000 "would be subject to the demand of foreign citizens"; and that certain aspects of the transaction raised serious doubts as to the *bona fides* of the transaction and of the claim (R. 29–30).

At the opening of the hearing, the hearing officer, a member of the Commission staff designated to preside, commented that a cursory review of the file left him with the impression that the claim, if allowed, might have only a nominal value, and that, accordingly, in arguing the question of validity petitioner should not overlook the matter of valuation in the presentation of its case (R. 36–37). When asked for his comments on this statement, the attorney representing the Commission stated that a memorandum had been furnished by an expert employed by the Commission stating that in his opinion "the stock wouldn't be worth more than nominal value because of the tremendous liabilities" of Fallersa (R. 36). Counsel for petitioner thereupon stated that they had not received the Commission's views as to valuation and were therefore unprepared to meet or rebut by way of evidence or argument any position which the Commission might take on that subject (R. 37). The attorney for the Commission replied that "there has been no finding whatsoever * * * by the Commission as to value. There has been a memorandum by an expert, hired by the Commission, as to his views" (R. 38). He noted that petitioner's asserted evaluation of a share of Fallersa stock was arrived at by dividing the appraised value of the physical assets of the company by the number of shares of stock outstanding, whereas the Commission had consistently evaluated stock, where possible, on the basis of net worth. He pointed out that this policy was reflected in previous decisions of the Commission which had long been available to counsel for petitioner (R. 38).

The hearing examiner then noted that the burden of proof on all issues was on the claimant, that valuation was one of the major issues of any claim, and that both petitioner and the Commission's investigators had submitted data on that issue, all of which would be considered in reaching a final determination (R. 38–39). Counsel for petitioner reiterated that they had no further evidence available at that time on valuation and requested that, in the event the Commission reversed its previous decision and decided to allow the claim, an opportunity be provided for a further hearing on the issue of valuation (R. 41–42).

The hearing then proceeded. During its course, the president of the petitioner corporation testified as to the value of the physical assets of Fallersa, Fallersa's outstanding debt at the time petitioner acquired the Fallersa stock, and the debt at the time Yugoslavia seized the plant (R. 43–47, 49–51). Counsel for petitioner, toward the end of the hearing, briefly presented argument touching on the question of net worth (R. 53–54).

On December 30, 1954, the Commission rendered its Final Decision, granting the claim in the amount of $12,320, plus interest (R. 58–65). In reversing the Proposed Decision, the Commission ruled that the evidence did not justify the conclusion that the transaction was lacking in good faith, and that the other factors previously relied on did not constitute grounds for denying the claim. Proceeding to the question of evaluation, the Commission, after setting forth the estimates of the value of the physical assets—as contained in a report of appraisal submitted by peti-

tioner, in an appraisal filed by the Yugoslav Government, and in an estimate made by the Commission's Field Branch—decided that the value of the stock should be based on its book value at the date of taking of the plant and converted at the then-existing official rate of exchange (R. 60–61). This value was determined from "two sets of records filed by claimant, certified copies of Fallersa's balance sheets and certificated copies of summary balance sheets published in the Official Gazette of the Allied Military Government" (R. 62–63). The Commission concluded "from all of the evidence" that the book value was $1.00 per share (R. 63).

By a letter, also dated December 30, 1954, the Commission denied petitioner's request for a separate hearing on valuation. The letter noted that at the previous hearing petitioner "had opportunity to submit any evidence or oral argument you had on all elements establishing the claims, including the question of value", and that oral argument with respect to valuation had in fact been presented (R. 66). No action was taken by the Commission on petitioner's subsequent requests for a separate hearing on the question of valuation (R. 5, 79, 81–86).

3. *Proceedings below.* Petitioner filed its complaint in the District Court on January 18, 1955 (R. 1–8). Admitting that "the Act prohibits review by the courts of the decisions of the Commission", petitioner contended that it had "no adequate remedy either at common law or under the statutes" (R. 7) and was therefore entitled to seek "the aid of the

equitable process of" the District Court. It prayed for the following relief (R. 7–8):

> (1) a judgment declaring the Final Decision and resulting award to be arbitrary, contrary to law, and null and void;
>
> (2) a mandatory injunction requiring the members of the Commission to declare the Final Decision to be ineffective, to grant a hearing on the issue of value, to redetermine the claim "in accordance with the provisions of the Act and on the basis of" the evidence and written legal contentions presented to it and its own independent investigation, and "to certify the award made in accordance with such decision to the Secretary of the Treasury"; and
>
> (3) an injunction restraining the Secretary of the Treasury until final disposition of its claim from making payments from the Yugoslav Claims Fund which would reduce the amount in the Fund below $1,538,853.52.

Following the denial of respondents' motion to dismiss the complaint (see R. 90–91), the answer (R. 9–11) and a deposition (R. 104–106) were filed. Further proceedings were held in abeyance pending the disposition of *deVegvar* v. *Gilliland*, 228 F. 2d 640, certiorari denied, 350 U. S. 994, and, after that denial of certiorari, respondents filed a motion to dismiss or in the alternative for summary judgment, accompanied by exhibits, including a transcript of the hearing before the Commission (R. 12–66). The District Court granted the motion and entered judgment for respondents, on the authority of the decision of the court below in the *deVegvar* case (R. 101–102).

The Court of Appeals affirmed, Judge Wilbur K. Miller dissenting (R. 107–117). Noting that the question presented was essentially similar to the questions presented in the *deVegvar* case, the majority concluded that the statutory bar to review as interpreted by it in that case precluded it from granting the relief sought. The court held that, as a statutory matter, Congress intended that the nonreviewability clause should preclude judicial enforcement of the hearing requirement set forth in another clause of the same section of the statute, and that, as a constitutional matter, the hearing afforded petitioner met the standard of due process of law.

ARGUMENT

The courts below have rendered twelve decisions holding uniformly that Section 4 (h) of the International Claims Settlement Act precludes judicial review of the actions of the Foreign Claims Settlement Commission in determining claims against the Yugoslav Claims Fund.[3] Petitioner is the fourth and

[3] A total of eight such suits were filed in the District Court for the District of Columbia against the present respondents; in each case, respondents were given judgment on the ground of lack of jurisdiction. The Court of Appeals affirmed in the four cases appealed to it; and this Court has already denied certiorari in three of the four petitions filed. See, in addition to the two decisions in the present case, *Edith deVegvar* v. *Gilliland*, D. D. C., C. A. No. 1188–55, decided June 13, 1955, affirmed, 228 F. 2d 640, certiorari denied, 350 U. S. 994; *Charles deVegvar* v. *Gilliland*, D. D. C., C. A. No. 1189–55, per stipulation; *Dayton* v. *Gilliland*, C. A. No. 1037–55, decided May 2, 1956, affirmed, 242 F. 2d 227, certiorari denied, No. 129, this Term, October 14, 1957; *Sokitch* v. *Gilliland*, D. D. C., C. A. No. 1256–55, decided May 2, 1956; *Block* v. *Gilliland*, D. D. C., C. A. No. 1660—55, decided

last to seek review in this Court of that interpretation of the statute. In their Briefs in Opposition to the previous petitions for certiorari in these cases (*deVegvar*, *Dayton* and *Haas*) the respondents have fully detailed their reasons for supporting these decisions. No purpose would be served by further reiteration of the arguments there presented, particularly since the petitions in *Dayton* v. *Gilliland* (No 129, October 14, 1957) and in *Haas* v. *Anderson* (No. 352, October 21, 1957) have so recently been denied. We respectfully refer the Court to the arguments advanced in the Briefs for Respondents in Opposition in the three cited cases, confining ourselves here to a summary reply to petitioner's attempts to distinguish the earlier cases.

1. Section 4 (h) of the Act provides that "[t]he action of the Commission in allowing or denying any claim under this Act shall be final and conclusive on all questions of law and fact and not subject to review by the Secretary of State or any other official, department, agency, or establishment of the United States or by any court by mandamus or otherwise". In its effort to overcome the obvious impact of this nonreviewability provision as previously interpreted and to establish the jurisdiction of the courts petitioner relies solely upon a purported violation of an asserted *statutory* "right" to administrative proce-

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May 2, 1956; *Stein* v. *Gilliland*, D. D. C., C. A. No. 1661–55, decided May 2, 1956; and *Haas* v. *Humphrey*, D. D. C., C. A. No. 4731–55, decided January 29, 1957, affirmed, 246 F. 2d 682, certiorari denied *sub nom. Haas* v. *Anderson*, No. 352, this Term, October 21, 1957.

dures prescribed by the same section.[4] The assumption underlying this reliance is, of necessity, that Congress *intended* not merely that the prescribed procedures govern the actions of the Commission, but that it further intended—by implication, and notwithstanding the express prohibition of judicial review—that these procedural requirements be subject to judicial enforcement. This position is plainly in error.

(*a*) Constitutional problems to one side, Congress may, in enacting legislation, write whatever procedural provisions it wishes. It may give to or withhold from the district courts jurisdiction to enforce such provisions. *Lockerty* v. *Phillips*, 319 U. S. 182, and cases cited; *Estep* v. *United States*, 327 U. S. 114, 120; *Switchmen's Union* v. *Mediation Board*, 320 U. S. 297, 301. The general jurisdiction of the courts therefore cannot be invoked to authorize jurisdiction over a subject matter which Congress has clearly and emphatically withheld from their inquiry. The question petitioner presents is whether Congress, in establishing procedural requirements for Commission action under the International Claims Settlement Act of 1949, necessarily conferred jurisdiction upon the

[4] The complaint did not allege any violation of constitutional rights, nor was there any hint of such a claim until the contention in the petition that, in contrast to *deVegvar*, petitioner is here asserting "a statutory right, the denial of which constitutes a violation of due process" (Pet. 23). Aside from petitioner's failure to elaborate this concept—that the denial of a purely *statutory* right constitutes a violation of the due process requirements of the Constitution—it is plainly too late in this litigation to put forth constitutional contentions not argued below.

courts to enforce compliance with such requirements.

(*b*) Petitioner's claim rests upon the following provisions of the Act:

> * * * all decisions shall be upon such evidence and written legal contentions as may be presented * * *, and upon the results of any independent investigation of cases which the Commission may deem it advisable to make. * * * [Section 4 (b), 22 U. S. C. 1623 (b).]
>
> * * * * *
>
> * * * Any claimant whose claim is denied, or is approved for less than the full amount of such claim, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission, or its duly authorized representatives, with respect to such claim. * * * [Section 4 (h), 22 U. S. C. 1623 (h).]
>
> * * * * *
>
> The Commission shall comply with the provisions of the Administrative Procedure Act of 1946 except as otherwise specifically provided by this Act. [Section 4 (j), 22 U. S. C. 1623 (j).]

These provisions must be read as they were enacted: not in isolation, but as integral parts of a statutory whole. *Mastro Plastics Corp.* v. *Labor Board*, 350 U. S. 270, 285, quoting from *United States* v. *Boisdoré's Heirs*, 8 How. 113, 122; *Kohlsaat* v. *Murphy*, 96 U. S. 153, 159–160.

So read, any inference of a congressional purpose to provide judicial review is in flat contradiction of the plain and unequivocal terms of that provision of the statute, part of the same section on which petitioner

relies, which specifically deals with the question of judicial review. The nonreviewability provisions of Section 4 (h), as well as the finality provisions of Sections 4 (a) and (b), are unmistakable expressions of the legislative will in this regard.

(c) To read the International Claims Settlement Act as providing procedural standards which are binding upon the Commission and yet unenforceable in the courts is not to render such standards nugatory. As this Court noted in *Stark* v. *Wickard*, 321 U. S. 288, Congress frequently creates "rights" which are not subject to vindication in a judicial tribunal: "To reach the dignity of a legal right in the strict sense, it must appear from the nature and character of the legislation that Congress intended to create a statutory privilege protected by judicial remedies". 321 U. S. at 306. Cf. *Switchmen's Union* v. *Mediation Board*, 320 U. S. 297 at 301.

Indeed, the whole scheme of the Administrative Procedure Act, heavily relied upon by petitioner (Pet. 13–14), contemplates that many of its procedural requirements shall apply to and govern administrative action even in cases where that action and the adherence to the procedural standards are not subject to judicial scrutiny. Thus, the initial proviso of Section 10 of that Act (5 U. S. C. 1009), which applies in this case, provides:

> *Except so far as* (1) *statutes preclude judicial review* * * *
>
> (a) Any person suffering legal wrong because of agency action * * * shall be entitled to judicial review thereof. [Emphasis added.]

Obviously, under this provision, if the particular statute in question precludes judicial review, a person may complain of a "legal wrong" but be left without any judicial remedy. Among those matters which are not subject to review if the governing statute "preclude[s] judicial review" is "agency action * * * (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; [or] (4) without observance of procedure required by law * * *" (Section 10 (e), 5 U. S. C. 1009 (e)).

Again, Sections 5, 7, and 8 of the Administrative Procedure Act (5 U. S. C. 1004, 1006, and 1008), also relied on by petitioner as giving it judicially cognizable rights, set forth specific procedural standards for the guidance of administrative bodies. They are binding upon all such bodies to which they in terms apply. Those sections contain no preliminary statement reciting that the enumerated procedures apply only if they may be judicially enforced. Here, too, binding procedural "rights" are created which may be the basis of "legal wrongs", yet the doors to the courts may nonetheless be barred to their vindication if, under Section 10, the particular statute, under which the complaint arises, precludes judicial review. As the court below cogently observed (R. 110):

> * * * The assumption that Congress must always contemplate judicial correction of erroneous agency action seems to have its basis in the view that Congress lacks other means to enforce its statutory mandates. But this is not so: Congress can, if it wishes, amend the law, allow a claim through a special bill, permit

> suit in the Court of Claims, or make a special appropriation; certainly it always has power to investigate and to impeach. When Congress tells the courts that there shall not be review, we will not assume, in the absence of something more, that Congress could not have meant what it said. Especially is this true in a case such as this where considerations of speed in the distribution of a fund provide a sound basis for Congress' choice of procedure.

Cf. *Switchmen's Union* v. *National Mediation Board,* 320 U. S. 297, 305; *Reaves* v. *Ainsworth,* 219 U. S. 296, 306.

(*d*) This reading of the statute is amply supported by the legislative history referred to in the decision below, and to which copious reference has been made in our previous briefs in opposition to certiorari. Especially pertinent to the question of whether the procedural provisions of the bill were intended to provide internal guidance to the Commission, rather than to confer judicially-protected rights, is the following colloquy relating to Congressman Keating's attempt to strike the nonreviewability provisions of the bill (95 Cong. Rec. 8853–54):

> Mr. KEATING. This committee and the Committee on Foreign Affairs before it have already said in section (j) that the Commission shall comply with the provisions of the Administrative Procedure Act and *to include the sentence I am seeking to strike out* [the last sentence of Section 4 (h)], *would be inconsistent with what we have already done.*
>
> Mr. RIBICOFF. No, it is not. What we did in writing this act was to make sure that the pro-

cedure followed by this Commission would be procedure that had been approved and which we thought was good procedure under the Administrative Procedure Act. *We did not see how we could get court review in violation of constitutional provisions.*

Mr. Chairman, the difference between this and the Administrative Procedure Act is that there the Congress set up a procedure where we were protecting American citizens in rights guaranteed them by the Constitution. In the settlement of these claims there was no constitutional guaranty to those citizens whose property was expropriated by foreign governments. They relied upon the good faith of the United States to throw around them the cloak of its protection. *The settlement of these claims is strictly within the executive branch of our Government* * * *.

* * * * You are taking an American citizen and giving him a tribunal of three Americans to settle his claim. As against that you would have only the alternative of leaving him to a Yugoslav court where he would get kangaroo justice * * *. [Emphasis added.]

Peculiarly apposite to the precise circumstances of the present case, as alleged by petitioner, is the following statement by Congressman Vorys in objecting to the scope of Section 4 (h) (95 Cong. Rec. 8845):

* * * The result may be that an American citizen goes before this administrative tribunal and says: "I have a claim for a million dollars. There is the evidence. Here are the deeds, here are the various documents." The Commission says, "No we turn you down be-

cause we had an investigator make an independent investigation and he wrote us a letter that your claim is no good, so we will turn you down."

In such case he has an appeal, but who do you think he appeals to? Why, the same three commissioners who just turned him down and that decision is final and forever. That is not justice.

* * * * *

Mr. DONDERO. Does the gentleman mean to say that the doors of the courts of this country are closed by this bill to its own citizens?

Mr. VORYS. The authority of the courts is closed by this bill * * *.

2. In any event, petitioner's claim that it was denied the hearing provided by statute is without merit. The statute requires "a hearing * * * with respect to such claim" (Sec. 4 (h)). There is no intimation that a claimant is entitled to more than one hearing, or that piecemeal adjudication was contemplated. As the Statement shows (*supra*, pp. 5–7), petitioner was accorded the full hearing to which it was entitled under this provision. The record demonstrates that at this hearing the issue of valuation was properly before the hearing examiner, and that both the testimony and argument touched on that question (R. 43–44, 49–51, 53–54). Prior to the hearing, petitioner had submitted voluminous documentary

evidence in support of its evaluation (R. 68–70). The matter was given full consideration by the Commission. The Act entitled petitioner to no more.

3. Petitioner attempts to draw some comfort from an argument based upon the theory that the Yugoslav Claims Fund constitutes a "trust fund" held by the United States for the benefit of all claimants (Pet. 18–23). The identical argument was advanced in the *Dayton* case (see Petition for Certiorari in No. 129, this Term, pp. 7–11). We pointed out in our Brief in Opposition in that case that even if there were merit in this theory it would avail the petitioner nothing, since any suit to enforce rights as a beneficiary of such a trust would necessarily be against the trustees—*i. e.*, against the United States, an indispensable party under petitioner's theory—and not against the respondents here named. Such a suit would, of course, be an unconsented suit against the United States.

4. As in the *deVegvar, Dayton* and *Haas* cases, the courts below found it necessary to decide only the threshold issue of reviewability in this case, and it is only these issues which are argued in the petition. But as we noted in those cases, other obstacles to the petitioner's ultimate success are likewise present and call for affirmance of the decision below. See Briefs for the Respondents in Opposition in No. 654, October Term, 1955 (pp. 23–25) and No. 129, this Term (pp. 19–20).

CONCLUSION

The decision of the court below is clearly correct and is not in conflict with any other decision. Accordingly, it is respectfully submitted that the petition for a writ of certiorari should be denied.

J. LEE RANKIN,
Solicitor General.

GEORGE COCHRAN DOUB,
Assistant Attorney General.

SAMUEL D. SLADE,
B. JENKINS MIDDLETON,
Attorneys.

OCTOBER 1957.

APPENDIX A

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA REGARDING PECUNIARY CLAIMS OF THE UNITED STATES AND ITS NATIONALS

The Government of the United States of America and the Government of the Federal People's Republic of Yugoslavia, being desirous of effecting an expeditious and equitable settlement of claims of the United States of America and its nationals against Yugoslavia, have agreed upon the following articles:

Article 1

(a) The Government of Yugoslavia agrees to pay, and the Government of the United States agrees to accept, the sum of $17,000,000 United States currency in full settlement and discharge all pecuniary claims of the Government of the United States against the Government of Yugoslavia, other than those arising from Lend-Lease and civilian supplies furnished as military relief, arising between September 1, 1939 and the date hereof, and in full settlement and discharge of all claims of nationals of the United States against the Government of Yugoslovia on account of the nationalization and other taking by Yugoslavia of property and of rights and interests in and with respect to property, which occurred between September 1, 1939 and the date hereof.

(b) Such payment by the Government of Yugoslavia shall be made to the Secretary of State of the

United States of America within forty-five days after the signing of this Agreement.

(c) If, upon adjudication made by the agency established or otherwise designated by the Government of the United States to adjudicate claims settled under this Agreement, it is found that the sum of $17,000,000 payable by the Government of Yugoslavia under the provisions of the Agreement is in excess of the total sum of the claims determined to be valid, exclusive of any interest on such claims for the period beginning on the date of the payment referred to in paragraph (a) of this Article, plus the costs of adjudication, if any, not borne by the claimants, the Government of the United States shall take the necessary steps to return such excess amount to the Government of Yugoslavia.

Article 2

The claims of nationals of the United States to which reference is made in Article 1 of this Agreement include those respecting property, and rights and interest in and with respect to property, which at the time of nationalization or other taking were:

(A) Directly owned by an individual who at such time was a national of the United States.

(B) Directly owned by a juridical person organized under the laws of the United States, or a constitutent state or other political entity thereof, twenty percent or more of any class of the outstanding securities of which were at such time owned by individual nationals of the United States, directly, or indirectly through interests in one or more juridical persons of whatever nationality or otherwise; or

(C) Indirectly owned by an individual within category (A) above, or by a juridical person within category (B) above, through interests, di-

rect, or indirect in one or more juridical persons not within category (B) above, or otherwise.

Article 3

The claims of nationals of the United States to which reference is made in Article 1 of this Agreement do not include claims of individual nationals of the United States who did not possess such nationality at the time of the nationalization or other taking, which claims shall be subject to compensation by the Government of Yugoslavia, either by direct negotiations between that Government and the respective claimants or under compensation procedures prescribed by Yugoslav law.

Article 4

(a) Nothing herein contained shall constitute or be construed to constitute a waiver or release by the Government of Yugoslavia of any claims it or any Yugoslav national may have against any national of the United States.

(b) Claimants against the Government of Yugoslavia for compensation on account of the nationalization or other taking of enterprises, whose claims with respect to such nationalization or other taking are claims which are fully settled and discharged by this Agreement, receiving payment out of the funds to be paid by the Government of Yugoslavia under Article 1 of this Agreement shall be deemed to have undertaken to hold the Government of Yugoslavia, and the respective successor enterprises established by such Government, harmless against, and to have assumed, all debt obligations, including guarantees, of the enterprises of which such claimants were formerly the owners, to nationals of countries other than Yugoslavia, valid and subsisting as of the date hereof, incurred not for the benefit of such enterprises, but for the benefit of the owners thereof; but such

assumption and undertaking shall be applicable only to such proportion of such obligations as such claimants' interests in such enterprises, at the date of the nationalization or other taking thereof, bore to the total ownership interests. Debt obligations, including guarantees, owing to nationals of countries other than Yugoslavia, incurred prior to the time such claimants became nationals of the United States, shall be deemed subject to such assumption and undertaking in the absence of proof that such obligations, including guarantees, were incurred for the benefit of such enterprises.

(c) The Government of Yugoslavia recognizes the obligation of the successor enterprises created by it with respect to debts valid under Yugoslav law which were incurred prior to the nationalization or other taking, for the benefit of the enterprises nationalized or otherwise taken, provided, however, that there shall be deemed fully settled and discharged all debt obligations of enterprises, nationalized or otherwise taken, owing to nationals of the United States whose claims against the Government of Yugoslavia with respect to the nationalization or other taking of such enterprises are claims which are fully settled and discharged by this agreement; and further that all debt obligations of such enterprises to juridical persons through which the claims of such claimants are derived shall be deemed settled and discharged in the same proportion as such claimants' interests in such enterprises, at the date of the nationalization or other taking thereof, bore to the total ownership interests therein.

Article 5

The Government of Yugoslavia agrees to accord to nationals of the United States lawfully continuing to hold, or hereafter acquiring assets in Yugoslavia, the

rights and privileges of using and administering such assets and the income therefrom within the framework of the controls and regulations of the Government of Yugoslavia, on conditions not less favorable than the rights and privileges accorded to nationals of Yugoslavia, or of any other country, in accordance with the Convention of Commerce and Navigation between the United States of America and the Prince of Serbia, signed at Belgrade, October 2–14, 1881.[1]

Article 6

The Government of Yugoslavia agrees not to employ or to permit the employment of trademarks, company names and trade names formerly used in Yugoslavia by enterprises, now nationalized, which were at the time of such nationalization substantially owned, directly or indirectly, by nationals of the United States to the extent that such trademarks, company names and trade names are counterparts of trademarks, company names and trade names used elsewhere than in Yugoslavia by the former American owners of such enterprises, directly or through subsidiaries, or by their authority; provided, however, that nothing herein contained shall prejudice the right of the Government of Yugoslavia, or any national thereof, to employ such trademarks, company names and trade names with the consent of the former owners of such enterprises, or others authorized to permit the use thereof. The Government of Yugoslavia will take such measures as may be necessary and appropriate to prevent the use of such trademarks, company names and trade names within Yugoslavia except with such consent or in connection with products imported into Yugoslavia with respect to

[1] Treaty Series 319; 22 Stat. 963.

which the use of such trademarks, company names and trade names is permitted by or on behalf of the former owners of such enterprises, or others authorized to permit the use thereof. This Agreement does not affect in any way the rights, if any, of nationals of the United States with respect to trademarks, trade names and company names which were used in Yugoslavia by enterprises which have been taken other than by nationalization.

Article 7

Claims of nationals of the United States for war damage to property which has not been nationalized or otherwise taken prior to the date hereof shall be treated not less favorably than those of nationals of Yugoslavia, but in no event less favorably than those of the nationals of any other country.

Article 8

The funds payable to the Government of the United States under Article 1 of this Agreement shall be distributed to the Government of the United States and among the several claimants, respectively, in accordance with such methods of distribution as may be adopted by the Government of the United States. Any determinations with respect to the validity or amounts of individual claims which may be made by the agency established or otherwise designated by the Government of the United States to adjudicate such claims shall be final and binding.

Article 9

(a) In the interests of an equitable distribution by the Government of the United States among the several claimants for participation in the amount to be

paid by the Government of Yugoslavia in full settlement and discharge of claims in accordance with this agreement, the Government of Yugoslavia will, upon the request of the Government of the United States, and to the extent possible, bearing in mind the widespread destruction of property and books and records in Yugoslavia caused by the war, furnish such information, including certified copies of books, records or other documents, as may be necessary or appropriate to support or refute, in whole or in part, any claim for participation in such amount, and to the same end will permit, in a manner consistent with Yugoslav law, the taking of depositions of such witnesses as may be requested by the Government of the United States.

(b) In the interest of protecting the Government of Yugoslavia from the possible assertion through third countries, or otherwise, of claims falling within the scope of this Agreement, the Government of the United States will supply to the Government of Yugoslavia, certified copies of such formal submissions as may be made by claimants to such agency as may be established or otherwise designated by the Government of the United States to adjudicate claims to participation in the funds to be paid by the Government of Yugoslavia pursuant to this Agreement and of the corresponding awards of such agency with respect thereto. A certified copy of each such submission and award will be supplied to the Government of Yugoslavia within a reasonable time after its receipt or announcement. Subject to such rules and regulations as may be established with respect to proceedings of such agency, the Government of the United States further agrees to make available to the Government of Yugoslavia, upon its request, certified copies of transcripts of any proceedings before

such agency and certified copies of documents submitted to such agency in support or in refutation, in whole or in part, of any claim submitted thereto. Subject to such rules and regulations, and with the consent of such agency, the Government of Yugoslavia may file briefs as *amicus curiae* with respect to any specific claims.

Article 10

(a) The Government of Yugoslavia shall authorize persons residing in Yugoslavia who are legally indebted to any individual, firm, or governmental agency in the United States, to meet such indebtedness on maturity.

(b) To the extent feasible, considering Yugoslav foreign exchange resources and regulations, and when necessary to effectuate the purposes of paragraph (a) of this Article, the Government of Yugoslavia shall permit the use of dollars by, or provide dollars to those Yugoslav residents legally owing dollar obligations arising from commercial transactions involving goods or services.

Article 11

The Government of Yugoslavia agrees to give sympathetic consideration to applications for transfers to the United States of deposits in banks of Yugoslavia and other similar forms of capital owned by nationals of the United States, where the amounts involved are small but which, in view of the circumstances, are of substantial importance to the persons requesting the transfers.

Article 12

The present Agreement shall come into force and effect upon the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Washington in duplicate this nineteenth day of July, 1948.

For the Government of the United States of America:

G C MARSHALL,
Secretary of State of the United States of America.

For the Government of the Federal People's Republic of Yugoslavia:

OBREN BLAGOJEVIC,
Deputy Minister of Finance of the Federal People's Republic of Yugoslavia.

APPENDIX B

The International Claims Settlement Act of 1949, 64 Stat. 12, 22 U. S. C. 1621 *et seq.*, provides:

AN ACT

To provide for the settlement of certain claims of the Government of the United States on its own behalf and on behalf of American nationals against foreign governments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Claims Settlement Act of 1949."

SEC. 2. For the purposes of this Act—

(a) The term "person" shall include an individual, partnership, corporation, or the Government of the United States.

(b) The term "United States" when used in a geographical sense shall include the United States, its Territories and insular possessions, and the Canal Zone.

(c) The term "nationals of the United States" includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens.

(d) The term "Yugoslav Claims Agreement of 1948" means the agreement between the Governments of the United States of America and of the Federal People's Republic of Yugoslavia regarding pecuniary claims of the United States and its nationals, signed July 19, 1948.

SEC. 3. (a) There is hereby established in the Department of State a commission to be known as the International Claims Commission of the United States (hereinafter referred to as the "Commission") and to be composed of three persons, to be appointed by the President by and with the advice and consent of the Senate. One of such members shall be designated by the President as the Chairman of the Commission and each shall receive compensation at the rate of $15,000 per annum. Two members of the Commission shall constitute a quorum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment: *Provided,* That in the event of the death, resignation, absence, or disability of a member, the President may designate an acting member from among persons in the judicial or in the executive branch of the Government (including employees of the Commission), who possess the qualifications prescribed by this subsection, to temporarily perform without additional compensation the duties of the member until a successor is appointed or the absence or disability of the member shall cease.

(b) The principal office of the Commission shall be in the District of Columbia. The Secretary of State, in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended, upon the recommendation of the Commission, may appoint and fix the compensation of an executive director, and of officers, attorneys, investigators, and other employees.

(c) The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. The President may fix a termination date for the authority

of the Commission, and the terms of office of its members under this Act. Any member of the Commission may be removed by the Secretary of State, upon notice and hearing, for neglect of duty, or malfeasance in office, but for no other cause. Not later than six months after its organization, and every six months thereafter, the Commission shall make a report, through the Secretary of State, to the Congress concerning its operations under this Act. The Commission shall, upon completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following: (1) A list of all claims disallowed; (2) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and (3) a copy of the decision rendered in each case.

SEC. 4. (a) The Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States included within the terms of the Yugoslav Claims Agreement of 1948, or included within the terms of any claims agreement hereafter concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof. In the decision of claims under this Act, the Commission shall apply the following in the following order: (1) The provisions of the applicable claims agreement as provided in this

subsection; and (2) the applicable principles of international law, justice, and equity.

(b) The Commission shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register. In addition, the Commission is authorized and directed to mail a similar notice to the last-known address of each person appearing in the records of the Department of State as having indicated an intention of filing a claim with respect to a matter concerning which the Commission has jurisdiction under this Act. All decisions shall be upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of any independent investigation of cases which the Commission may deem it advisable to make. Each decision by the Commission pursuant to this Act shall be by majority vote, and shall state the reason for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

(c) Any member of the Commission, or any employee of the Commission, designated in writing by the Chairman of the Commission, may administer oaths and examine witnesses. Any member of the Commission may require by subpena the attendance and testimony of witnesses, and the production of all necessary books, papers, documents, records, correspondence, and other evidence, from any place in the United States at any designated place of inquiry or of hearing. The Commission is authorized to contract for the reporting of inquiries or of hearings. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpena, the aid of any district court of the United States, as constituted by

chapter 5 of title 28, United States Code (28 U. S. C. 81 and the following), and the United States court of any Territory or other place subject to the jurisdiction of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of such books, papers, documents, records, correspondence, and other evidence. Any such court within the jurisdiction of which the inquiry or hearing is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) The Commission may order testimony to be taken by deposition in an inquiry or hearing pending before it at any stage of such proceeding or hearing. Such depositions may be taken, under such regulations as the Commission may prescribe, before any person designated by the Commission and having power to administer oaths. Any person may be compelled to appear and depose, and to produce books, papers, documents, records, correspondence, and other evidence in the same way as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinabove provided. If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken, provided the laws of the foreign country so permit, by a consular officer, or by an officer or employee of the Commission, or other person commissioned by the Commission, or under letters rogatory issued by the Commission. Witnesses whose depositions are taken as authorized in this subsection, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) In addition to the penalties provided in title 18, United States Code, section 1001, any person guilty of any act, as provided therein, with respect to any matter under this Act, shall forfeit all rights under this Act, and, if payment shall have been made or granted, the Commission shall take such action as may be necessary to recover the same.

(f) In connection with any claim decided by the Commission pursuant to this Act in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorney's fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 per centum of the total amount paid pursuant to the award. Written evidence that the claimant and any such attorney have agreed to the amount of the attorney's fees shall be conclusive upon the Commission: *Provided, however,* That the total amount of the fees so agreed upon does not exceed 10 per centum of the total amount paid pursuant to the award. Any fee so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury by deducting the amount thereof from the total amount paid pursuant to the award. Any agreement to the contrary shall be unlawful and void. The Commission is authorized and directed to mail to each claimant in proceedings before the Commission notice of the provisions of this subsection. Whoever, in the United States or elsewhere, pays or offers to pay, or promises to pay, or receives on account of services rendered or to be rendered in connection with any such claim, compensation which, when added to any amount previously paid on account of such services, will exceed the amount of fees so determined by the Commission, shall

be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both, and if any such payment shall have been made or granted, the Commission shall take such action as may be necessary to recover the same, and, in addition thereto, any such person shall forfeit all rights under this Act.

(g) The Attorney General shall assign such officers and employees of the Department of Justice as may be necessary to represent the United States as to any claims of the Government of the United States with respect to which the Commission has jurisdiction under this Act. Any and all payments required to be made by the Secretary of the Treasury under this Act pursuant to any award made by the Commission to the Government of the United States shall be covered into the Treasury to the credit of miscellaneous receipts.

(h) The Commission shall notify all claimants of the approval or denial if their claims, stating the reasons and grounds therefor, and, if approved, shall notify such claimants of the amount for which such claims are approved. Any claimant whose claim is denied, or is approved for less than the full amount of such claim, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission, or its duly authorized representatives, with respect to such claim. Upon such hearing, the Commission may affirm, modify, or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim. The action of the Commission in allowing or denying any claim under this Act shall be final and conclusive on all questions of law and fact and not subject to review by the Secrteary of State or any other official, department, agency, or establishment of

the United States or by any court by mandamus or otherwise.

(i) The Commission may in its discretion enter an award with respect to one or more items deemed to have been clearly established in an individual claim while deferring consideration and action on other items of the same claim.

(j) The Commission shall comply with the provisions of the Administrative Procedure Act of 1946 except as otherwise specifically provided by this Act.

SEC. 5. The Commission shall, as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury and to the Secretary of State copies of the awards made in favor of the Government of the United States or of nationals of the United States under this Act. The Commission shall certify to the Secretary of State, upon his request, copies of the formal submissions of claims filed pursuant to subsection (b) of section 4 of this Act for transmission to the foreign government concerned.

SEC. 6. The Commission shall complete its affairs in connection with settlement of United States-Yugoslav claims arising under the Yugoslav Claims Agreement of 1948 not later than four years following the effective date of this Act; *Provided*, That nothing in this provision shall be construed to limit the life of the Commission, or its authority to act on future agreements which may be effected under the provisions of this legislation.

SEC. 7. (a) Subject to the limitations hereinafter provided, the Secretary of the Treasury is authorized and directed to pay, as prescribed by section 8 of this Act, an amount not exceeding the principal of each award, plus accrued interest on such awards as bear interest, certified pursuant to section 5 of this Act, in accordance with the award. Such payments, and ap-

plications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) There shall be deducted from the amount of each payment made pursuant to subsection (c) of section 8, as reimbursement for the expenses incurred by the United States, an amount equal to 3 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(c) Payments made pursuant to this Act shall be made only to the person or persons on behalf of whom the award is made, except that—

(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided,* That if the total award is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General of the United States to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

(2) in the case of a partnership corporation, the existence of which has been terminated and on behalf of which an award is made, payment shall be made, except as provided in paragraphs (3) and (4), to the person or persons found by the Comptroller General of the United States to be entitled thereto;

(3) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee in accordance with the order of the court;

(4) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award is made, or makes an assignment of such award or any part thereof, payment shall be made to the assignee, as his interest may appear; and

(5) in the case of any assignment of an award, or any part thereof, which is made in writing and duly acknowledged and filed, after such award is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

(d) Whenever the Secretary of the Treasury, or the Comptroller General of the United States, as the case may be, shall find that any person is entitled to any such payment, after such payment shall have been received by such person, it shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

(e) Any person who makes application for any such payment shall be held to have consented to all the provisions of this Act.

(f) Nothing in this Act shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any national of the United States against any foreign government.

SEC. 8. (a) There are hereby created in the Treasury of the United States (1) a special fund to be known as the Yugoslav Claims Fund; and (2) such other special funds as may, in the discretion of the Secretary of the Treasury, be required, each to be a claims fund to be

known by the name of the foreign government which has entered into a settlement agreement with the Government of the United States as described in subsection (a) of section 4 of this Act. There shall be covered into the Treasury to the credit of the proper special fund all funds hereinafter specified. All payments authorized under section 7 of this Act shall be disbursed from the proper fund, as the case may be, and all amounts covered into the Treasury to the credit of the aforesaid funds are hereby permanently appropriated for the making of the payments authorized by section 7 of this Act.

(b) The Secretary of the Treasury is authorized and directed to cover into—

(1) the Yugoslav Claims Fund the sum of $17,000,000 being the amount paid by the Government of the Federal People's Republic of Yugoslavia pursuant to the Yugoslav Claims Agreement of 1948;

(2) a special fund created for that purpose pursuant to subsection (a) of this section any amounts hereafter paid, in United States dollars, by a foreign government which has entered into a claims settlement agreement with the Government of the United States as described in subsection (a) of section 4 of this Act.

(c) The Secretary of the Treasury is authorized and directed out of the sums covered into any of the funds pursuant to subsection (b) of this section, and after making the deduction provided for in section 7 (b) of this Act—

(1) to make payments in full of the principal of awards of $1,000 or less, certified pursuant to section 5 of this Act;

(2) to make payments of $1,000 on the principal of each award of more than $1,000 in principal amount, certified pursuant to section 5 of this Act;

(3) to make additional payments of not to exceed 25 per centum of the unpaid principal of awards in the principal amount of more than $1,000;

(4) after completing the payments prescribed by paragraphs (2) and (3) of this subsection, to make payments, from time to time in ratable proportions, on account of the unpaid principal of all awards in the principal amount of more than $1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution at the time such payments are made; and

(5) after payment has been made of the principal amounts of all such awards, to make pro rata payments on account of accrued interest on such awards as bear interest.

(d) The Secretary of the Treasury, upon the concurrence of the Secretary of State, is authorized and directed, out of the sum covered into the Yugoslav Claims Fund pursuant to subsection (b) of this section, after completing the payments of such funds pursuant to subsection (c) of this section, to make payment of the balance of any sum remaining in such fund to the Government of the Federal People's Republic of Yugoslavia to the extent required under article 1 (c) of the Yugoslav Claims Agreement of 1948. The Secretary of State shall certify to the Secretary of the Treasury the total cost of adjudication, not borne by the claimants, attributable to the Yugoslav Claims Agreement of 1948. Such certification shall be final and conclusive and shall not be subject to review by any other official, or department, agency, or establishment of the United States.

SEC. 9. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this Act.

Approved March 10, 1950.

U. S. GOVERNMENT PRINTING OFFICE: 1950